

REMARKS

Claims 1-39 are pending in the present application, Claims 17-28 and 33-39 are withdrawn from consideration. Claims 1-16 and 19-32 are examiner and stand rejected. In response, no Claims are amended, no claims are cancelled and no claims are added. Reconsideration and withdrawal of the rejections of record are requested in view of the following remarks.

I. Claims Rejected Under 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-16 and 29-32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,512,919 to Ogasawara ("Ogasawara") in view of European Patent Applicants No. EP0905953 to Colavin ("Colavin"). Applicants respectfully traverse this rejection.

As the Examiner is aware, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royke, 480 F.2d 981, 180 USPQ 580 (C.C.P.A. 1974.) Hence, the combination of Ogasawara in view of Colavin does not teach or suggest claim features recited by Claims 1-16 and 29-32.

Regarding Claim 1, Claim 1 recites the following claim features which are neither taught nor suggested by the combination of Ogasawara in view of Colavin:

scanning one or more product barcodes to generate an optical barcode signal;
converting the optical barcode signal into audio barcode tones to form an audio barcode signal. (Emphasis added.)

According to the Examiner, Ogasawara teaches scanning one or more product barcodes to generate an optical barcode signal and a transaction computer that processes the audio barcode signal in accordance with a barcode processing instruction. (See p. 2, ¶ 3 of the Final Office Action mailed October 24, 2006.) As further indicated by the Examiner, the generation of an optical barcode signal is taught by Ogasawara at column 14, lines 5-13, column 5, lines 30-40, column 7, lines 13-22 (see supra.) After carefully reviewing the cited passages, Applicants respectfully disagree with the Examiner.

The teachings of Ogasawara are expressly limited to an embodiment where a barcode scanner is directly coupled to a wireless telephone, as shown in FIGS. 1-4, and a preferred embodiment where a wireless device includes a camera, as shown in FIGS. 10-14. As known to those skilled in the art, a barcode scanner, as shown in FIGS. 1-4, may consist of a light source, a lens and a photo conductor for translating optical impulses into numeric barcode contents at a scanner output port. As shown in FIGS. 2-4, barcode scanner 20 is coupled to an I/O port 36. As taught by Ogasawara:

The input/output port 36 facilitates electrical communication between the microprocessor 38 and bar code scanner 20 via RS232C, USB, IEEE1394, irDA or any other suitable interface 19. (Col. 7, lines 60-64.) (Emphasis added.)

We submit that when coupled to an I/O port of a wireless device, as taught by Ogasawara, the information captured by a barcode scanner is received by the wireless device as if it came from its keyboard, decoded and converted to keyboard input within the scanner housing. Applicants' argument is further verified by an embodiment of Ogasawara that teaches a barcode image captured by a camera that may be decoded to its corresponding numerical barcode data. (See FIG. 13.) As taught by Ogasawara, this may be performed within the wireless device or within the transaction server.

Accordingly, in FIGS. 1-4 of Ogasawara, where a barcode scanner is coupled to a wireless device, the information provided by the barcode scanner to the wireless device is in the form of numeric barcode data and not an optical barcode signal, as in Claim 1.

Ogasawara describes the preferred embodiment where a wireless video phone is used to capture a video graphic barcode data, for example, as illustrated in FIGS 10-14 of Ogasawara. As taught by Ogasawara:

The digital camera 236 includes processing circuitry which translates the visual image acquired by the camera's lens into digital signals suitable for processing by the microprocessor 238 into a form which can be broadcast transmitted (i.e. JPEG encoded, gif encoded and the like) by the functional electronic section 240. (Col. 16, lines 7-13.) (Emphasis added.)

Based on the cited passage above, Ogasawara teaches the generation of video graphic barcode data which can be broadcast transmitted. We submit that the graphic image of a barcode

captured using a digital camera (“video graphic barcode data”) fails to teach the scanning of barcodes. In contrast to Claim 1, the video graphic barcode data taught by Ogasawara is not an optical barcode signal than can be converted into audio barcode tones to form an audio barcode signal, as in Claim 1, as contrasted with the conversion of an analog signal to digital signal as performed by the Analog to Digital Converter 120, as shown in FIG. 4 of Ogasawara.

In particular, Ogasawara explicitly requires character recognition and/or pattern recognition to decode video graphic barcode data to its corresponding numeric barcode data. Once the barcode has been decoded to its numeric value, the numeric barcode data is transmitted to a store server through a wireless telephone network (col. 24, lines 17-23.) In other words, as taught by Ogasawara, the pattern recognition software within the video phone allows the wireless video phone to function in a manner similar to the wireless telephone and barcode scanner embodiment described. (See FIGS. 1-4 and col. 18, lines 15-22;) apposite to claim 1, pattern recognition software is required to convert the video graphic barcode data into number barcode data. Hence, Ogasawara fails to teach or suggest converting the optical barcode signal into audio barcode tones to form an audio barcode signal, as in Claim 1.

In Addition, although Ogasawara discloses the capture of a barcode image by a digital camera of a wireless device, the video graphic barcode data is translated into digital signals suitable for processing by microprocessor 238 and into a form which can be broadcast transmitted. Hence, Ogasawara teaches that the transaction server processes video graphic barcode data and not an audio barcode signal, as in Claim 1. (See col. 21, lines 9-27.)

Moreover, although, Ogasawara teaches communication of audio data between a wireless device and a store server, the audio data referred to by Ogasawara is provided to accommodate communication of voice data to a loaded program 106 (FIG. 4) such as a voice command, a menu selection by voice, and/or purchase of an item selection by voice. (See col. 11, lines 25-29.) In contrast to Claim 1, as explicitly taught by Ogasawara, such voice data is distinguished from and separated from non-speech digital data (see col. 12, lines 1-7,) in contrast to the audio barcode tones and an audio barcode signal, as in Claim 1.

As indicated by the Examiner, Ogasawara is silent on converting optical barcode signals into audio barcode tones to form an audio barcode signal and transmitting scanned barcode tones

as audio tones. (See, p. 2, ¶ 3 of the Final Office Action mailed October 24, 2006.) We submit that Ogasawara is not silent on converting optical barcode signals into audio barcode tones. As disclosed by Ogasawara, video graphic barcode data is translated into digital signals suitable for processing by microprocessor 238 into a form which can be broadcast transmitted such as JPEG encoding, gif encoding and other like broadcast format.

As further disclosed by Ogasawara, such information is transferred to a server as non-speech digital data or non-voice data which is processed by the server to identify desired product. (See col. 8, lines 23-27.) Ogasawara further teaches that such video graphic barcode data may be decoded using downloaded pattern recognition software at the wireless device to determine the numeric barcode data. Ogasawara teaches that once the barcode is decoded into its numeric values, the numeric barcode data is transferred to the store server through a wireless telephone network. (See col. 21, lines 20-23.)

Consequently, the generation of video graphic barcode data is performed by capturing a digital image of a product barcode and not from scanning a product barcode, as in Claim 1. Moreover, although Ogasawara discloses scanning of product barcodes, in such embodiments, for example as shown in FIGS. 1-4, the information provided to the wireless device would be numeric barcode data and not an optical barcode, as in Claim 1. As further indicated above, decoding of the captured video graphic barcode data requires pattern recognition software to generate numeric barcode data either at the wireless device or at a server. Hence, Ogasawara fails to teach or suggest the processing of an audio bar code signal according to a bar code processing instruction, as in Claim 1.

Regarding the Examiner's citing of Colavin, Colavin is expressly limited to the decoding of electrical pulses produced by a barcode reader from scanning of a barcode into characters of a telephonic character set and generation of DTMF pulses represented of the characters of the telephonic character set for transmission over a telephone network. (See, Col. 6, lines 22-23.)

Hence, if someone skilled in the art were motivated to modify Ogasawara in view of Colavin, as suggested by the Examiner, such combination would be expressly limited to converting of electrical pulses produced by a barcode reader as into numeric barcode information that is transmitted to a server as DTMF pulses. As a result, the combination of Ogasawara in

view of Colavin fails to teach or suggest converting an optical barcode signal into audio barcode tones to form an audio barcode signal, as in Claim 1. Hence, the combination of Ogasawara in view of Colavin fails to teach or suggest each of the above recited features of Claim 1, as required to establish a prima facie case of obviousness.

Furthermore, as disclosed by Ogasawara, numeric barcode information is transferred as non-voice data over a wireless network (see col. 11, lines 41-45.) Likewise, video graphic barcode data is transferred to the server in a form which can be broadcast transmitted, such as JPEG encoded, gif encoded or other like encoding format (see col. 16, lines 7-13.) Hence, Applicants respectfully submit that one skilled in the art would lack a motivation or suggestion for modifying Ogasawara according to Colavin to alter the manner in which barcode data (DTMF pulses) is transferred to a server, such as conversion of such numeric barcode information into audio barcodes to form an audio barcode signal, which is transmitted to a transaction server to process such signals in accordance with a barcode processing instruction, as in Claim 1.

Furthermore, the disclosure of Colavin is limited to public switched telephone networks. Hence, the Examiner fails to illustrate why one skilled in the art would be motivated to modify the visual image (video graphic barcode data) acquired by a digital camera into audio barcode tones, when Ogasawara teaches that such visual image of an audio barcode may be decoded by either a wireless device or a store server to determine the numeric barcode data. One skilled in the art would not be motivated to convert either video graphic barcode data or numeric barcode data that is to be broadcast over a wireless network using DTMF pulses for transmission over a telephone network, as taught by Colavin.

For each of the reasons above, therefore, Claim 1 and all claims which depend from Claim 1 are patentable over the cited art. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §103(a) rejection of Claims 1-8.

Each of Applicants' other independent claims includes limitations similar to those in Claim 1 discussed above. Therefore, all of Applicant's other independent claims, and all claims which depend on them, are also patentable over the cited art, for similar reasons. Consequently,

Applicants respectfully request that the Examiner reconsider and withdraw the §103(a) rejection of Claims 9-16 and 29-32.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

In view of the foregoing, it is submitted that Claims 1-16 and 19-32 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Date